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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,787	10/15/2001	Udo Hartmann	W&B-INF-860	3729
24131	7590	11/04/2004	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			TRIMMINGS, JOHN P	
			ART UNIT	PAPER NUMBER
			2133	
DATE MAILED: 11/04/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.		Applicant(s)	
	09/977,787		HARTMANN, UDO	
	Examiner		Art Unit	
	John P Trimmings		2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☒ Claim(s) 1,9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the applicant's amendment of 6/24/2004.

Claims 1-13 are pending.

Response to Amendment

1. The examiner's objection to Claim 1 based on the applicant's amendment to "a number of test data items" being changed to "a number of the test data items" is acknowledged, and the objection is withdrawn. However, in view of the applicant's amendment, the examiner has a new objection (see below).
2. The examiner's objection to Claim 9 based on the examiner's requirement that the method steps be indented is maintained because the applicant has failed to indent each step of said claim.

As per 35 USC § 103 rejections

3. Applicant's arguments filed 6/24/2004 have been fully considered but they are not persuasive in regard to Claims 1-13:

As per Claim 1:

The applicant has amended the claim to include a comparison device, wherein the said device determines a fault based on comparing "the test data items" and the "stored data items read from the memory". The amendment to claim 1 specifies this comparison device, the operation of which is a comparison between the data items produced by the processing device and the data items read from the memories. The examiner has determined that, in accord with the language of this amended claim, that

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Lepejian et al. compares the data items produced (FIG.3 60) in the decoder (FIG.3 103) to the items read from the memory (FIG.3 104) in the comparison device (FIG.3 80).

Therefore, Lepejian et al. fully teaches the limitation which the applicant has added to the claim. And, where the applicant states that Lepejian et al. has not any motivation, the examiner argues that the original motivation of the examiner's first office action came not from Lpejian et al., but from Kanchira et al. In other words, the examiner has determined that the applicant's Claim 1 does not compare any of the test data items to each other, but instead the comparison is the same as taught by Lepejian et al., and so the rejection of Claim 1 is maintained.

As per Claim 4 and 10:

The amendment to claims 4 and 10 specify a comparison device, the operation of which is a comparison between the data items produced by the processing device and the data items read from the memories. The examiner has determined that, in accord with the language of this amended claim, that Lepejian et al. compares the data items produced (FIG.3 60) in the decoder (FIG.3 103) to the items read from the memory (FIG.3 104) in the comparison device (FIG.3 80). Therefore, Lepejian et al. fully teaches the limitation which the applicant has added to the claims.

As per Claim 9:

The applicant has amended the subject claim, but has failed to properly claim the new limitation, and has rendered the claim indefinite (see below). In view of the present indefiniteness of the claim, and based on the examiner's first rejection based on obviousness, the examiner maintains the rejection of this claim.

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As per Claims 2, 3, 5-8, and 11-13:

In view of the dependence of these claims on the independent claims, and the applicant's argument conceding to the same, the examiner maintains the rejections to the Claims 2, 3, 5-8, and 11-13 based on maintaining the rejections of the independent Claims 1 and 9.

Claim Objections

4. Claim 1 is objected to because of the following informalities:

The addition of a colon after "processing unit" in the 4th line of the claim requires that the quoted phrase be changed to, "processing unit configured for:". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claim 1 recites the limitation "said processing device" in two different instances within the amendment to the claim under the paragraph of, "a comparison device:".

There is insufficient antecedent basis for this limitation in the claim.

6. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation added to Claim 9 specifies comparing a plurality of "test data items" with one another. This limitation cannot occur within the bounds presented by the applicant in this claim, and therefore the claim is indefinite in pointing out the subject matter, namely;

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In order to compare a plurality of test data items, there must be more than one.

But the examiner sees only one test data item. The one test data item that the examiner sees is the product of an inverse function performed on the data items read from the memory. The data items are specified by the applicant as the product of a function performed on the test pattern data item. Therefore, the test data item, being a reverse function, must equal the test pattern data item, both of which must be singular in number in accordance with the wording of the claim. Therefore, the claim is indefinite in that it fails to distinctly claim the subject matter of the invention.

And, in total, Claims 1-13 are maintained as being rejected, based on a new grounds necessitated by the applicant's amendment.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P Trimmings whose telephone number is 703-305-0714. The examiner can normally be reached on Monday through Thursday, 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on 703-305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John P Trimmings
Examiner
Art Unit 2133

jpt



GUY J. LAMARRE
PRIMARY EXAMINER